

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

120158

**FILE:** B-209253

**DATE:** December 20, 1982

**MATTER OF:** R & D Maintenance Services, Inc.

**DIGEST:**

Question regarding affiliation of contractor with firm on debarred bidders list for violation of Service Contract Act is not for review by GAO because under Service Contract Act such determinations are to be made by Federal agency head and Secretary of Labor.

R & D Maintenance Services, Inc. protests the award of a contract to Atchison Engineering Company under request for proposals (RFP) No. DLA710-82-R-0031 issued by the Defense Construction Supply Center, Defense Logistics Agency (DLA), for the operation and maintenance of the Defense Industrial Plant Equipment Facility, Atchison, Kansas. R & D contends that Atchison is affiliated with a firm which was debarred by the Department of Labor for violation of the Service Contract Act, 41 U.S.C. § 351 et seq. (1976), and therefore is ineligible for award. We dismiss the protest.

Our Office will not consider the question of whether Atchison is affiliated with a debarred firm, because under the Service Contract Act such determinations are to be made by the Federal agency head and the Secretary of Labor. K.P. Food Services, Inc., 60 Comp. Gen. 1 (1982), 82-1 CPD 289. We note that DLA has referred this question to the Department of Labor for its consideration.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel